

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

REDUX PICTURES,

Plaintiff,

v.

GATEWAY BLEND, LLC,

Serve:

C T Corporation System
120 S Central Ave.
Clayton, MO 63105

Defendant.

JURY TRIAL DEMANDED

Case No. 4:21-cv-531

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

COMES NOW Plaintiff Redux Pictures (“Bowers”), by and through their undersigned counsel, and hereby states for their Complaint against defendant, Gateway Blend, LLC (“Defendant”), as follows:

SUMMARY OF THE ACTION AND PARTIES

1. Plaintiff brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Plaintiff’s original copyrighted work of authorship.
2. Plaintiff’s Work (as defined herein) at issue is part of their portfolio that depicts two actors on set of the movie *Twilight*.
3. To create the Work, Plaintiff used professional-grade photography equipment.
4. To create the Work, Plaintiff invested many hours of professional time.

5. Plaintiff is well-paid for the Work.

6. Upon information and belief, Defendant is a Missouri corporation located in Saint Louis County, Missouri.

7. Upon information and belief, Defendant directly profited from their use of Plaintiff's Work.

8. Upon information and belief, Defendant copied Plaintiff's copyrighted Work from the internet in order to nationally advertise, market and promote their business activities. Defendant committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of Defendant's business.

JURISDICTION AND VENUE

9. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

10. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

11. Defendant is subject to personal jurisdiction in Missouri because they took and used Plaintiff's Work to promote their business located in Saint Louis County, Missouri.

12. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in Saint Louis County, Missouri in this district. Upon information and belief, Defendant engaged in infringement in this district, and Defendant is subject to personal jurisdiction in this district and resides or can be found in this district.

THE COPYRIGHTED WORK AT ISSUE

13. In or about 2008, Plaintiff created a photograph entitled “14048466”, which is shown below and referred to herein as the “Work”.



14. Plaintiff registered the Work with the Register of Copyrights on May 12, 2008 and was assigned the registration number “VA 1-725-850”. The Certificate of Registration for the Work is attached hereto as **Exhibit 1** and incorporated herein by reference.

15. At all relevant times, Plaintiff was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

16. Defendant has never been licensed to use the Work at issue in this action for any purpose.

17. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendant copied the Work.

18. Defendant copied Plaintiff's copyrighted Work without Plaintiff's permission.

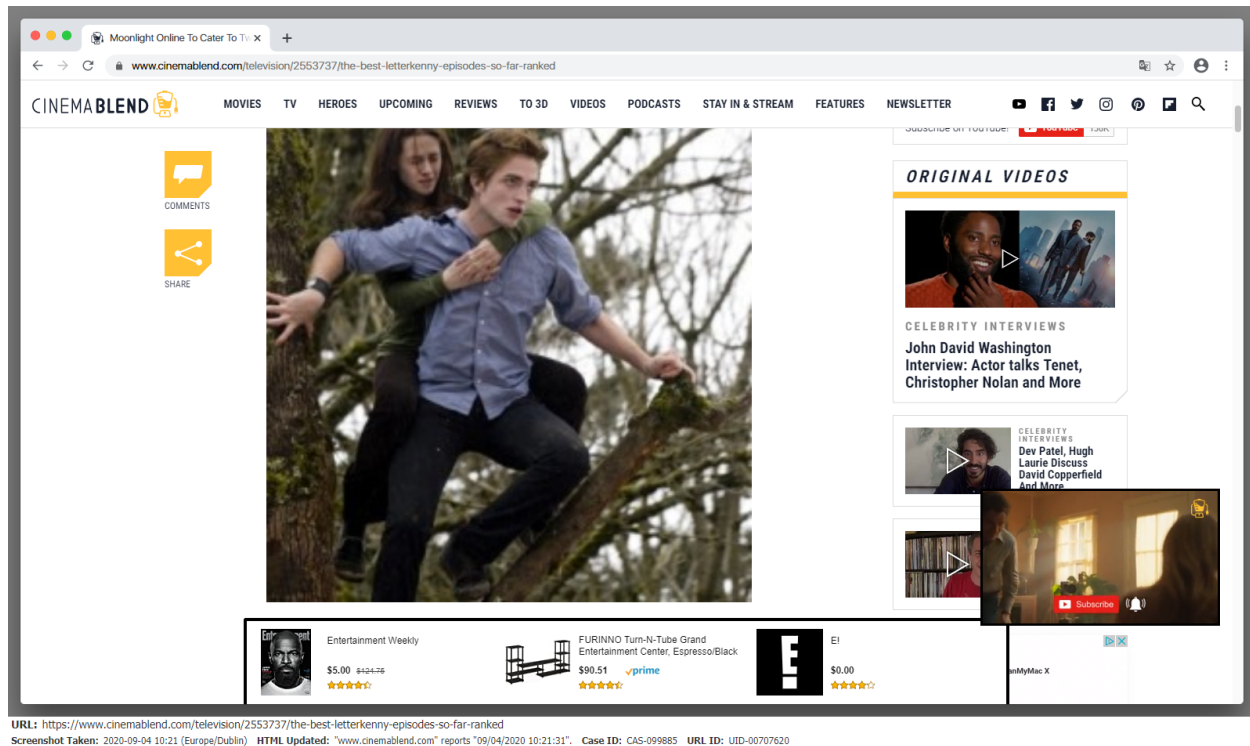
19. After Defendant copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of their business.

20. Specifically, Defendant displayed the Work on their website "cinemablend.com."

21. Defendant's display of the Work was repeated and continuous.

22. Defendant displayed the Work continuously from at least April of 2019 for many months thereafter in order to attract customers to their business.

23. Defendant's display of the Work is captured on the website in the following screenshot:



24. Defendant copied and distributed Plaintiff's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

25. Plaintiff's Work is protected by copyright, but is not otherwise confidential, proprietary, or trade secrets.

26. Defendant committed copyright infringement of the Work as evidenced by the screenshot attached herein.

27. Plaintiff never gave Defendant permission or authority to copy, distribute, or display the Work at issue in this case.

28. Plaintiff notified Defendant of the allegations set forth herein on March 5, 2021 and has attempted to settle this matter amicably and for a minimum of expense with Defendant.

29. Plaintiff has engaged the undersigned attorney and has agreed to pay him a reasonable fee.

COUNT I
COPYRIGHT INFRINGEMENT

32. Plaintiff incorporates by reference all prior paragraphs of this Complaint as if such were fully set forth herein.

33. Plaintiff owns a valid copyright in the Work at issue in this case.

34. Plaintiff registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

35. Defendant copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Plaintiff's authorization in violation of 17 U.S.C. § 501.

36. Defendant performed the acts alleged in the course and scope of his business activities.

37. Plaintiff has been damaged.

38. The harm caused to Plaintiff has been irreparable.

WHEREFORE, Plaintiff Bill Cobb prays for judgment against Defendant such that:

a. Defendant and his agents, servants, employees, affiliated entities, and all of those in active concert with him, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

VOYTAS LAW LLC

/s/ Richard A. Voytas, Jr.

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